

PART IV
Importation

21. (1) Subject to the provisions of this section and save as the Comptroller may otherwise permit –

- (a) the master of any vessel arriving in the territorial sea of Saint Christopher and Nevis from a place outside Saint Christopher and Nevis and shall not cause or permit that vessel to arrive at any time at any place other than a customs port, and
- (b) no person importing or concerned in importing any goods in any vessel shall bring those goods into Saint Christopher and Nevis at any place other than a customs port.

(2) Any master or any other person who contravenes or fails to comply with any requirement of subsection (1) shall be guilty of an offence and liable to a fine of five thousand dollars, or three times the value of the goods whichever is the greater, and any goods imported in contravention of that subsection shall be liable to forfeiture.

(3) Subsection (1) shall not apply in relation to any vessel which is compelled by accident, stress of weather or other unavoidable cause to arrive at a place other than a customs port, but subject to subsection (5) –

- (a) the master of any such vessel –
 - (i) shall immediately report the arrival of the vessel to an officer or police officer,
 - (ii) shall not, without the consent of an officer, permit any goods carried on the vessel to be unloaded from, or any passenger or member of the crew to depart from the vicinity of the vessel, and
 - (iii) shall comply with any direction given by an officer in respect of such goods;
- (b) no passenger or member of the crew shall without the consent of an officer or a police officer leave the immediate vicinity of any such vessel.

(4) Any master or any other person who contravenes or fails to comply with any requirement of subsection (3) shall be guilty of an offence and liable to a fine of five thousand dollars and any goods imported in contravention of that subsection shall be liable to forfeiture.

(5) Nothing in subsection (3) shall prohibit –

- (a) the departure of any passenger or member of the crew from the vicinity of a vessel; or
- (b) the removal of goods from a vessel;

where that departure or removal is necessary for reasons of health, safety or the preservation of life or property.

22. (1) Subject to the provisions of this section and save as the Comptroller may otherwise permit –

Procedure on
arrival of aircraft.

Procedure on
arrival of vessels.

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- (a) the commander of any aircraft arriving in Saint Christopher and Nevis from a place outside Saint Christopher and Nevis shall not cause or permit that aircraft to land –
 - (i) for the first time on its arrival in Saint Christopher and Nevis, or
 - (ii) at any time while it is carrying passengers or goods brought in that aircraft from a place outside Saint Christopher and Nevis and not yet cleared, at any place other than a customs airport; and
- (b) no person importing or concerned in importing any goods in any aircraft shall bring those goods into Saint Christopher and Nevis at any place other than a customs airport.

(2) Any commander or any other person who contravenes or fails to comply with any requirement of subsection (1) shall be guilty of an offence and liable to a fine of five thousand dollars, or three times the value of the goods whichever is the greater and any goods imported in contravention of that subsection shall be liable to forfeiture.

(3) Subsection (1) shall not apply in relation to any aircraft which is required by or under any enactment relating to air navigation, or is compelled by accident, stress of weather or other unavoidable cause, to land at a place other than a customs airport, but subject to subsection (5) –

- (a) the commander of any such aircraft –
 - (i) shall immediately report the landing to an officer or a police officer and shall on demand produce to him the journey log belonging to the aircraft,
 - (ii) shall not without the consent of an officer permit any goods carried on the aircraft to be unloaded from, or any passenger or member of the crew to depart from the vicinity of, the aircraft, and
 - (iii) shall comply with any direction given by an officer with respect to such goods; and
- (b) no passenger or member of the crew shall without the consent of an officer leave the immediate vicinity of any such aircraft.

(4) Any commander or any other person who contravenes or fails to comply with any requirement of subsection (3) shall be guilty of an offence and liable to a fine of five thousand dollars and any goods imported in contravention of this subsection shall be liable to forfeiture.

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(5) Nothing in subsection (3) shall prohibit –

- (a) the departure of any passenger or member of the crew from the vicinity of an aircraft; or
- (b) the removal of goods from an aircraft;

where that departure or removal is necessary for reasons of health, safety or the preservation of life or property.

23. (1) The Minister may make Regulations –

- (a) prescribing the procedure to be followed by a vessel arriving at a customs port and an aircraft arriving at a customs airport;
- (b) regulating the unloading, landing, movement and removal of goods on their importation; and
- (c) permitting the Comptroller to give directions and different Regulations may be made with respect to vessels and aircraft.

Power to make Regulations for arriving vessels and aircraft and the unloading of imported goods.

(2) Without prejudice to the generality of subsection (1), Regulations made under that subsection may provide for the imposition of a fine of an amount not exceeding five thousand dollars for any contravention of or failure to comply with any such Regulation, or any direction given under any such Regulation, and for the forfeiture of any goods involved in any such offence.

24. Save as the Comptroller may otherwise permit, the master of every vessel intending to come to Saint Christopher and Nevis shall notify the Comptroller of the expected arrival of that vessel not less than one working day, before the arrival of that vessel and any failure to so notify shall make that master guilty of an offence and liable to a fine of five thousand dollars.

Notification of arrival of vessels.

25. (1) The master of every vessel arriving at a customs port –

- (a) from any place outside Saint Christopher and Nevis; or
- (b) carrying goods brought in that vessel from a place outside Saint Christopher and Nevis and not yet cleared on importation;

Report inwards.

shall, within twenty-four hours of that arrival, deliver to the Comptroller a report in such form and manner containing such particulars as the Comptroller may direct.

(2) The commander of every aircraft arriving at a customs airport –

- (a) carrying goods outside Saint Christopher and Nevis; or
- (b) carrying goods or passengers taken on board that aircraft at a place outside Saint Christopher and Nevis, being goods or passengers either –

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- (i) bound for a destination in Saint Christopher and Nevis and not yet cleared at a customs airport, or
- (ii) bound for a destination outside Saint Christopher and Nevis

shall, upon arrival, deliver to the Comptroller a report in such form and manner and containing such particulars as the Comptroller may direct.

(3) Where any report made under this section is incorrect, the person who made it shall, within seventy-two hours of the making of it or such longer period as the Comptroller may in any case permit, be allowed to amend it, and provided that the Comptroller is satisfied that the error was not made knowingly or recklessly, then notwithstanding any other provision of any customs enactment that person shall not be guilty of any offence and where the error consisted of the omission or incorrect reporting of any goods, those goods shall not be liable to forfeiture.

(4) Where –

- (a) a person by whom a report is required to be made by this section fails to make a report as required, he shall be guilty of an offence and liable to a fine of five thousand dollars; and
- (b) any goods which appear on any clearance required to be produced by this section do not appear on the report, then, unless the report is amended under subsection (3), the master or commander shall –
 - (i) pay to the Comptroller the duty on such goods, and
 - (ii) be guilty of an offence and liable to a fine of five thousand dollars, or three times the value of the goods, whichever is the greater.

(5) Any person making a report under this section shall, at the time of making it –

- (a) answer all such questions relating to the vessel or aircraft, its cargo, stores, baggage, crew, passengers, voyage or flight as may be put to him by the proper officer; and
- (b) produce all books and documents in his custody or control relating to the vessel or aircraft, its cargo, stores, baggage, crew, passengers, voyage or flight as the proper officer may require,

and any failure to do so shall make that person guilty of an offence and liable to a fine of five thousand dollars.

(6) If, at any time after a vessel or aircraft carrying goods brought in that vessel or aircraft from a place outside of Saint Christopher and Nevis arrives within the territorial sea of Saint Christopher and Nevis or lands and before a report has been made in accordance with this section –

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- (a) bulk is broken; or
- (b) goods are unloaded from or taken on board that vessel or aircraft; or
- (c) any alteration is made in the storage of any goods carried; or
- (d) any goods are stored, destroyed or thrown overboard, or any container is opened;

then unless the matter is explained to the satisfaction of the Comptroller, the master or commander shall be guilty of an offence and liable to a fine of five thousand dollars or three times the value of the goods whichever is the greater and any goods in respect of which the offence was committed shall be liable to forfeiture.

(7) The Comptroller may require any goods reported as stores on board any vessel or aircraft, or any portion of them, to be entered for warehousing under section 26 and for the purposes of this subsection the master or commander shall be deemed to be the importer of those goods.

26. (1) The importer of any goods, other than goods which are exempt from the requirements of this section shall –

- (a) in the case of goods, imported by air, within seven days of their importation; or
- (b) in the case of goods imported by sea, within fourteen days of their importation;

Entry of goods
on importation.

deliver to the proper officer an entry of those goods in such form and manner and containing such particulars as the Comptroller may direct.

(2) The following goods are exempt from the requirements of this section –

- (a) fresh fish (including shell fish) taken by Saint Christopher and Nevis fishermen and imported by them in their vessels, and
- (b) passenger's accompanied baggage.

(3) Subject to subsection (4), goods may be entered under subsection (1) –

- (a) for warehousing, if so eligible; or
- (b) for home use, if so eligible; or
- (c) for transshipment; or
- (d) in such cases as the Comptroller may permit, for temporary retention with a view to subsequent re-exportation.

(4) The Comptroller may refuse to accept any entry of goods if he is not satisfied that those goods were imported at the time of the delivery of the entry.

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(5) Where, in the case of any goods which are not chargeable with any duty, any entry made under subsection (1) is incorrect, the importer shall, within ten days after the delivery of the entry or such longer period as the Comptroller may in any case permit be allowed to deliver to the Comptroller a full and accurate account of the goods and provided that the Comptroller is satisfied that the error was not made knowingly or recklessly, then notwithstanding any other provision of any customs enactment, the person making the entry shall not be guilty of any offence and the goods which were the subject of the error shall not be liable to forfeiture.

(6) The Comptroller may, notwithstanding that no entry has been made under subsection (1) permit the delivery to an importer of any bullion, currency notes or coins imported into Saint Christopher and Nevis.

Entry of bill
of sight.

27. (1) Without prejudice to section 26, where on the importation of any goods the importer is unable for want of any document or information to make perfect entry of those goods, he shall make a signed declaration to that effect to the proper officer.

(2) Where a declaration under subsection (1) is made to the proper officer, he shall permit the importer to examine the goods imported.

(3) Where an importer has made a declaration under subsection (1), and submits to the proper officer an entry, not being a perfect entry, in such form and manner and containing such particulars as the Comptroller may direct, and the proper officer is satisfied that the description of the goods for tariff and statistical purposes is correct, and in the case of goods liable to duty according to number, weight, measurement or strength such number, weight measurement or strength is correct, the proper officer shall, on payment to him of the specified sum, accept that entry as an entry by bill of sight and allow the goods to be delivered for home use.

(4) For the purposes of subsection (3) the specified sum shall be an amount estimated by the proper officer to be the duty payable on such goods, together with such further sum as the proper officer may require, that further sum being not less than one-half of the estimated duty.

(5) If within three months from the date of making an entry by bill of sight under subsection (3), or such longer time as the Comptroller may in any case permit the importer shall make a perfect entry, and that perfect entry shall show the amount of duty –

- (a) to be less than the specified sum, the Comptroller shall pay the difference to the importer; or
- (b) to be more than the specified sum, the importer shall pay the difference to the Comptroller.

(6) Where no perfect entry is made within the time limit laid down by subsection (5), the specified sum paid shall be deemed to be the amount of duty payable on the importation of the goods.

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(7) Notwithstanding any other provision of this section, where, at any time after the importation of goods the Comptroller is satisfied that in respect of such goods it is impossible for the importer to make perfect entry in respect of those goods, the Comptroller may, subject to such conditions and restriction as he may see fit to impose, permit the goods to be entered at a value which is, in his opinion, the correct value of the goods, and such entry shall be deemed to be perfect entry:

Except that where any condition or restriction imposed under this subsection is contravened or not complied with, the goods shall be liable to forfeiture.

28. (1) Where in the case of any imported goods for which an entry is required –

- (a) entry has not been made by the expiration of the relevant period;
- (b) at the expiration of twenty-one clear days from the relevant date, entry having been made of the goods they have not been unloaded from the importing vessel or aircraft, or in the case of goods which have been unloaded, they have not been produced for examination and clearance; or
- (c) the goods are contained in a small package or consignment,

Removal of
uncleared goods
to a Customs
warehouse.

then at any time after the relevant date, the proper officer may, subject to subsection (2), cause the goods to be deposited in a Customs warehouse.

(2) No goods may be deposited in a Customs warehouse if they are –

- (a) of a type prescribed in the First Schedule; or
- (b) in the opinion of the Comptroller, of a perishable nature,

First Schedule

in which case they may be sold.

(3) Subject to subsection (4), in this section –

- (a) "the relevant period" means a period of, in the case of goods imported by air, seven days, and in the case of goods imported by sea, fourteen days from the relevant date; and
- (b) "the relevant date" means the date when report was made of the importing vessel or aircraft under section 25 or of the goods under section 26 or, where no such report was made, the date when it should properly have been made.

(4) Where any restriction is placed upon the unloading of goods from any vessel or aircraft by virtue of any enactment relating to the

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prevention of epidemic or infectious diseases, then in relation to those goods, "the relevant date" means the date of the removal of the restriction.

Importation of
goods by post.

29. (1) Without prejudice to any other provision of this Act –

- (a) all letters arriving in Saint Christopher and Nevis from abroad which, in the opinion of the proper officer could contain other than written or printed material, may be required to be opened in the presence of the Postmaster General or any person authorised by him, in the presence of an officer, and
- (b) all postal packages consigned to a place in Saint Christopher and Nevis from abroad may be required to be opened in the presence of the Postmaster General or any person authorised by him in the presence of an officer, and where any goods contained in such a package do not correspond with any declaration of contents made in respect of them, those goods shall be liable to forfeiture.

(2) No goods imported into Saint Christopher and Nevis by post shall be allowed to be removed from customs charge until all duty chargeable on them has been paid.

(3) The Minister may make Regulations prescribing the procedure on the importation and exportation of postal packets and may exempt such importation or exportation from such requirements of such sections of the Act as he thinks fit.

Control of
movement of
uncleared goods
within or between
port or airport and
other places.

30. (1) The Minister may make Regulations as to the manner in which, and the conditions under which, goods to which this section applies, or any class or description of such goods, may be moved within the limits of any port or customs airport or between any port or customs airport and any other place.

(2) This section applies to goods chargeable with any duty which has not been paid, to drawback goods, and to any other goods which have not been cleared out of charge.

(3) Any Regulations under subsection (1) may require that any goods to which this section applies shall be moved only –

- (a) by persons licensed by the Comptroller for that purpose;
- (b) in such ships, aircraft or vehicles or by such other means as may be approved by the Comptroller for that purpose;

and any such licence or approval may be granted for such period and subject to such conditions and restrictions as the Comptroller thinks fit and may be revoked at any time by the Comptroller.

(4) Any person who contravenes or fails to comply with the Regulation made under subsection (1) or condition or restriction imposed, or the terms of any licence granted, by the Comptroller under this section

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shall be guilty of an offence and liable to a fine of five thousand dollars.

31. (1) The Comptroller may by direction impose conditions and restrictions as respects –

Control of movement of goods to and from inland clearance depot, etc.

- (a) the movement of imported goods between the place of importation and a place approved by the Comptroller for the clearance out of charge of such goods, or the place of exportation of such goods, and
- (b) the movement of goods intended for export between a place approved by the Comptroller for the examination of such goods or a place designated by the proper officer and the place of exportation.

(2) Any direction under subsection (1) may in particular –

- (a) require the goods to be moved within such period and by such route as may be specified by or under the Regulations;
- (b) require the goods to be carried in a vehicle or container complying with such requirements and secured in such manner as may be so specified;
- (c) prohibit, except in such circumstances as may be so specified, any unloading or loading of the vehicle or container or any interference with its security.

(3) Any documents required to be made or produced as a result of directions made under subsection (1) shall be made or produced in such form and manner and contain such particulars as the Comptroller may direct; but the Comptroller may relax any requirement that any specific document be made or produced and if he does so may impose substituted requirements.

(4) Any person who contravenes or fails to comply with any direction under subsection (1) or any requirement imposed by or under such direction that person and the person then in charge of the goods shall each be guilty of an offence and liable to a fine of five thousand dollars and any goods in respect of which the offence was committed shall be liable to forfeiture.

32. (1) Without prejudice to any other provision of any customs enactment, where –

Goods improperly imported.

- (a) except as expressly provided by such an enactment, any imported goods, being goods chargeable on their importation with any duty are, without payment of that duty –
 - (i) unloaded at any port, or
 - (ii) unloaded from any aircraft, or

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- (iii) removed from their place of importation or from any approved wharf, examination station, transit shed or other customs area; or
- (b) any goods are imported, landed or unloaded contrary to any prohibition or restriction for the time being in force with respect to them under or by virtue of any enactment; or
- (c) any goods, being chargeable with any duty or goods the importation of which is for the time being prohibited or restricted by or under any enactment, are found, whether before or after the unloading thereof to have been concealed in any manner on board any vessel or aircraft; or
- (d) any goods are imported concealed in a container holding goods of a different description; or
- (e) any imported goods are found, whether before or after delivery, not to correspond with any entry made in respect of them; or
- (f) any imported goods are concealed or packed in any manner appearing to be intended to deceive an officer,

these goods shall, subject to subsection (2), be liable to forfeiture.

(2) Where any goods, the importation of which is for the time being prohibited or restricted under or by virtue of any enactment, are on their importation either –

- (a) reported as intended for exportation in the same vessel or aircraft; or
- (b) entered for transshipment; or
- (c) entered to be warehoused for exportation or to use as stores,

the Comptroller may, if he sees fit, permit those goods to be dealt with accordingly.

(3) If any person –

- (a) imports or causes to be imported any goods –
 - (i) concealed in a container holding goods of a different description, or
 - (ii) packed in a manner appearing to be intended to deceive an officer; or
- (b) directly or indirectly imports or causes to be imported or entered any goods found, whether before or after delivery, not to correspond with any entry made in respect of them,

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he shall be guilty of an offence and liable to a fine of five thousand dollars, or three times the value of the goods, whichever is the greater.